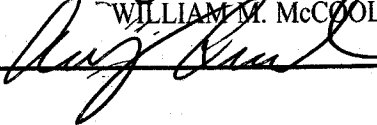


Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

May 30 2018
WILLIAM M. McCOOL, Clerk
By  Deputy

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,

v.
BHAVESH PATEL,
Defendant.

NO. **CR 18-5264 BHS**
INDICTMENT

The Grand Jury charges that:

COUNT 1

(Intentional Damage to a Protected Computer Without Authorization)

I. Introduction

At all times material to this Indictment:

1. The victim in this case (hereinafter, "Victim Hospital") was a Washington non-profit health services company that operated five hospitals and medical centers in the South Sound area of Washington State;

2. Victim Hospital operated a computer network with medical-service providers' workstations located in Pierce County, Washington;

1 3. Defendant BHAVESH PATEL was an individual employed as a contractor
2 for Victim Hospital as a lead database engineer and administrator responsible for
3 implementing an electronic medical records ("EMR") system known as EPIC;

4 4. Victim Hospital used a dual-system structure for EMR, through which one
5 system (called the "PROD" system) collected EMR on a real-time basis, and then
6 transferred all of the new EMR to a second system (called the "SUP system"), pursuant to
7 an "environment copy script" that ran at a scheduled time each day. The dual-system
8 structure allowed Victim Hospital to perform routine maintenance to EMR on the SUP
9 system without disrupting medical providers' ability to provide services to patients and
10 create new EMR over the course of each day.

11 5. Defendant's project assignment at Victim Hospital was terminated on or
12 about July 18, 2013, after which time he was not authorized to access Victim Hospital's
13 computer systems.

14 **II. The Offense**

15 **A. Patel's Unauthorized Access to Victim Hospital's Computers**

16 6. On or about July 17, 2013, PATEL modified the user account of a former
17 employee by changing the password;

18 7. On or about August 16, 2013, PATEL logged into a virtual private network
19 (VPN) for Victim Hospital using an account in his name that established a connection
20 between a computer at his home in South Dakota and Victim Hospital's network;

21 8. Upon logging into the VPN, PATEL then logged into Victim Hospital's
22 system using the former employee's user account that he had reset on July 17, 2013;

23 9. While logged into Victim Hospital's system, PATEL modified the system
24 alert file that is used for the delivery of alert notifications to system administrators
25 regarding problems with Victim Hospital's servers; PATEL changed the e-mail address
26 to which alert messages were sent to a non-existent e-mail address. This action prevented
27
28

1 system administrators from being able to receive alerts when subsequent system errors
2 occurred;

3 10. PATEL then changed the environment copy script that Victim Hospital
4 used in connection with its management of electronic medical records. In particular,
5 PATEL directed the system to copy EMR that belonged to Victim Hospital from the SUP
6 system to the PROD system instead of the typical transfer of new EMR from the PROD
7 system to the SUP system. In effect, PATEL re-configured the environment copy script
8 to overwrite all of the new EMR from the previous day with older data contained in the
9 SUP system;

10 11. PATEL then changed the environment copy script schedule such that the
11 modified script ran immediately rather than waiting until the scheduled time on the
12 following day. When the modified script was executed, the system rejected the copy
13 operation that the script attempted to perform. This in turn caused the system to enter an
14 error state that made the system unavailable to the entire Victim Hospital system. System
15 administrators were not alerted to the error condition by the system alert mechanism
16 because PATEL had altered the alert configuration earlier;

17 12. After changing the environment copy script, PATEL used the set command
18 to change the last modified date and time for the environment copy script and the log files
19 that record when the environment copy script operated;

20 13. As a result of PATEL's changes to the environment copy script, the entire
21 medical record system at four of the Victim Hospital's facilities in the Puget Sound
22 region crashed for approximately 30 minutes, preventing hospital personnel from
23 accessing patient medical records, properly admitting new patients, or registering patient
24 medications in the Victim Hospital's records system.

25 **B. Execution of The Offense**

26 On or about August 16, 2013, in Pierce County, within the Western District of
27 Washington and elsewhere, the defendant, BHAVESH PATEL, knowingly caused the
28 transmission of a program, information, code, and command, and, as a result of that

1 | conduct, intentionally caused, and attempted to cause, damage, without authorization, to a
2 | protected computer, to wit, by logging into Victim Hospital's computer system, changing
3 | the alert e-mail address, altering the environment copy script, changing the script
4 | schedule, and changing the last modified date and time for the script and log files,
5 | PATEL intentionally caused damage resulting in loss to one or more persons during a
6 | one-year period aggregating at least \$5,000 in value; the modification and impairment,
7 | and potential modification and impairment, of the medical examination, diagnosis,
8 | treatment, and care of 1 or more individuals; a threat to public health and safety; and,
9 | damage affecting 10 or more protected computers during a one-year period.

10 | //

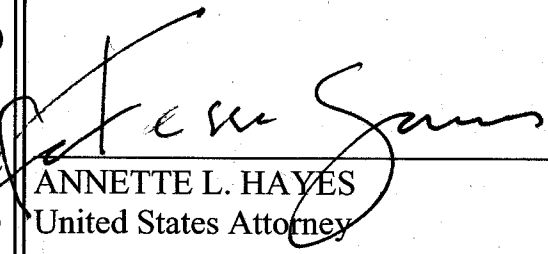
11 | //


1 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A) and
2 (c)(4)(B)(i)(I), (II), (IV) and (VI), and (ii).


3
4 A TRUE BILL:

5
6 DATED: 5-30-2018

7
8 (Signature of Foreperson redacted pursuant to
9 policy of the Judicial Conference)
10 FOREPERSON

11 
12 ANNETTE L. HAYES
13 United States Attorney

14
15 
16 ANDREW FRIEDMAN
17 Assistant United States Attorney

18 
19 STEVEN MASADA
20 Assistant United States Attorney

21 
22 SIDDHARTH VELAMOOR
23 Assistant United States Attorney